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National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
EMAIL: hq.foia@epa.gov

Re: Freedom of Information Act Request Regarding Pesticides

FOIA Officer:

On behalf of the Monographs Programme of the World Health Organization's International Agency for Research on Cancer (IARC Monographs), I write to request the disclosure of records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the pertinent Environmental Protection Agency regulations, 40 C.F.R. § 2.100, *et seq.*

I. Description of Records Sought

The IARC Monographs Programme requests that for the pesticides:

- DDT (dichlorodiphenyltrichloroethane);
 - aldrin;
 - dieldrin;
 - lindane;
 - 2,4-D (2,4-dichlorophenoxyacetic acid), including 2,4-DB, 2,4-DBEE and 2,4-D diethylamine (DEA);
 - MCPA (2-methyl-4-chlorophenoxyacetic acid), including MCPA isooctyl ester;
 - MCPB (2-methyl-4-chlorophenoxy gamma-butyric acid), and
 - mecoprop, including mecoprop-p (MCPP)
- and their other salts and esters, the following records¹ be made publicly available (i.e., via web posting on <http://www.epa.gov/pesticides/foia/reviews.htm>):

¹ The term "records" is used herein to mean anything denoted by the use of that word or its singular form in the text of FOIA. In particular, the term includes, but is not limited to, all writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored) including, but not limited to, correspondence, minutes of meetings, memoranda, notes, emails, notices, facsimiles, charts, tables, presentations, orders, and filings.

- All relevant Carcinogenicity Peer Review (and other) Committee memoranda concerning carcinogenicity;
- Data Evaluation Records (DERs), including those cited in any Carcinogenicity Peer Review Committee memoranda.

Please note that this request is only for records that can be shared without restriction and that can be made available to the public at large.

For 2,4-D, we are aware that a Carcinogenicity Peer Review memo data 29 January 1997 and a review of rodent toxicity and carcinogenicity studies dated 23 May 1996 are already available, so there is no need to provide additional copies of these. However, any original studies cited in these documents that can be released to the public are of interest.

II. Request for a Fee Waiver

The IARC Monographs requests that US EPA waive the fee that it would otherwise charge for search and production of the records described above. FOIA dictates that requested records be provided without charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); 40 C.F.R. § 2.107(l)(1). The requested disclosure would meet both of these requirements.

A. First Requirement

The requested disclosure would be "likely to contribute significantly to public understanding of the operations or activities of the government." 5 U.S.C. § 552(a)(4)(A)(iii) and would satisfy elements identified in 40 C.F.R. 2.107(l)(2). In particular, the records described in Section I above will contribute meaningfully and significantly to public understanding of US EPA's pesticide carcinogenic hazard evaluation activities. The records thus concern "the operations or activities of the government." 2.107(l)(2)(i).

The requested disclosure will also "contribute to the understanding of a reasonably broad audience of persons interested in the subject," 40 C.F.R. § 2.107(l)(2)iii. While the disclosed information may advance understanding of the US EPA carcinogen classification of pesticides, this information may also play a role in future carcinogenicity hazard evaluations, including by the IARC Monographs. A recent Advisory Group identified several pesticides as priorities for evaluation by the IARC Monographs (see <http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2814%2970168-8/fulltext>). Based on widespread past and/or continuing exposures, the IARC Monographs anticipate broad public and scientific interest in an evaluation of the potential carcinogenic hazard of these pesticides.

The resulting IARC Monograph evaluations will be made publicly available via the website (<http://monographs.iarc.fr/>). Downloads of IARC Monographs from the website typically range

from 10,000 to almost 50,000 per year. National health agencies can use this information as scientific support for their actions to prevent exposure to potential carcinogens. Additionally, summaries of the evaluations will be published in the *Lancet Oncology*, to facilitate dissemination of findings to the scientific community.

The results of evaluations for the IARC Monographs are communicated not only to the scientific community but to the general public through regular news items and information posted on the Agency's website. IARC strives to raise awareness of the causes of cancer and carcinogenic risks among the public, the media, and other stakeholders. The Agency issues regular press releases and organizes press conferences to disseminate the evaluation results when the agents are of broad concern or importance to public health. These results are distributed to more than 4000 key mainstream and scientific media outlets worldwide. Evaluations by the IARC Monographs Programme often receive worldwide news coverage.

As an example, the evaluation of the carcinogenicity of outdoor air pollution in October 2013 was released at a press conference at WHO Headquarters in Geneva and was subsequently covered by print, broadcast and online media in the United States, Canada, Europe, Latin America, the Middle East and Asia. Other previous evaluations, such as those of diesel engine exhaust and radiofrequency electromagnetic fields also received significant media coverage and continue to generate inquiries from journalists and the general public. The IARC monographs have also been featured in television documentaries and other media on the scientific evaluation of cancer hazards.

In sum, the information disclosed will aid in contributing to public understanding of the scientific basis for past US EPA carcinogen classifications of the pesticides. Additionally, because the disclosed information may play a role in future carcinogenic evaluations by the IARC monographs, and because the IARC monograph evaluations have a broad international audience, a more general contribution to an understanding of their carcinogenic hazard by the public is likely to result from the disclosure.

B. Second Requirement

The requested disclosure would also satisfy the second prerequisite of a fee waiver request because IARC Monographs does not have any commercial interest that would be furthered by the requested disclosure. 5 U.S.C. § 552(a)(4)(A)(iii); 40 C.F.R. § 2.107(l)(1).

IARC Monographs's interest in obtaining the requested materials is to serve the public interest by disclosing presently non-public information that may be relevant to carcinogenicity evaluations of pesticides.

III. Willingness to Pay Fees Under Protest

Please provide the requested records irrespective of the status and outcome of your evaluation of the fee waiver request. In order to prevent delay in US EPA's provision of the requested records, IARC Monographs states that it will, if necessary and under protest, pay fees in accordance with 40 C.F.R. § 2.107(c)(1)(iv), (c)(2), and (d). Please consult with me, however,

before undertaking any action that would cause the fee to exceed 100 US dollars. Such payment will not constitute any waiver of the right to seek administrative and judicial review of any denial of the fee waiver request.

IV. Conclusion

In responding to this request, please comply with all relevant deadlines and other obligations set forth in FOIA and US EPA's regulations. See e.g., 40 C.F.R. § 2.014(a)-(d), (f).

You may produce the records above by posting them on your public website (e.g., <http://www.epa.gov/pesticides/foia/reviews.htm>). Please produce them on a rolling basis; at no point should US EPA's search for – or deliberations concerning – certain records delay the production of others that US EPA has already retrieved and elected to produce. In the event that US EPA concludes that some of the records requested above or data therein are already publicly available, a narrowing of the scope of this request can be discussed. And again, only those records that can be made available to the public are needed.

Thank you kindly for your prompt attention to this request and please do not hesitate with any questions.

With best regards,



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